

Chapter 10

BICYCLES AND MOPEDS*

Art.	I.	In General, §§ 10-1—10-16
Art.	II.	Registration, §§ 10-17—10-38
Art.	III.	Operation, §§ 10-39—10-52

ARTICLE I. IN GENERAL

Sec. 10-1. Definition, age of operation.

The term “bicycle” as used in this chapter, shall be deemed to mean any device propelled solely by human power, having pedals, two or more wheels, and a seat height of more than twenty-five inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of a seat height). For purposes of the city code, a bicycle shall be a vehicle when operated on a highway, street or alley.

For purposes of this chapter, the term “bicycle” shall also include mopeds as defined in Section 46.2-100, of the Code of Virginia, and all sections in this chapter shall apply to both bicycles and mopeds unless otherwise specifically stated. Mopeds are defined as a conveyance that is either (a) a bicycle-like device with pedals and a helper motor which is rated at no more than two (2) brake horsepower and produces speeds up to a maximum of thirty (30) miles per hour or (b) a motorcycle with an engine displacement of fifty (50) cubic centimeters or less and a maximum speed of less than thirty (30) miles per hour.

No person under the age of sixteen (16) years shall operate a moped as defined in this chapter or a bicycle with a helper motor that is classified as a moped on any highway or public vehicular area of the city. (Code 1959, § 5.1-1; Ord. of 4-12-77; Ord. No. O-95-088, 4-25-95; Ord. No. O-99-225, 10-12-99, eff. 1-1-00)

Sec. 10-2. Penalties.

Any person who shall remove, change, alter or mutilate any bicycle or moped frame number in violation of section 10-23 shall be deemed guilty of a class 3 misdemeanor; and except as otherwise provided herein, any person who shall violate any other provision of this chapter shall be deemed guilty of a traffic infraction which shall be punishable by a fine of not more than two hundred dollars (\$200.00). (Code 1959, § 5.1-11; Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-3. Sale, rental of bicycles and mopeds—Information required.

Information regarding the sale or rental of bicycles and mopeds shall be available to the chief of police upon his request. (Code 1959, § 5.1-10; Ord. No. O-00-008, 1-11-00, eff. 1-1-00)

Cross reference—License fee for bicycle rental business, § 36-50.

Sec. 10-4. (Re pealed by Ord. No. O- 00- 008, 1- 11- 00, eff. 1- 1- 00).

***Cross references**—Motor vehicles and traffic, Ch. 25; police, Ch. 31.

Sec. 10-5. Summons.

Whenever any police or other officer charged with the duty of enforcing the ordinances of the city shall discover any person violating any of the provisions of this chapter, he shall take the name and address of such person and issue a summons to or otherwise notify such person in writing, if he be under eighteen (18) years of age, to appear before the judge of the juvenile and domestic relations court of the city and if he be eighteen (18) years of age or over, to appear before the general district court of the city, at a time to be specified in such summons or notice, to be there dealt with according to the provisions of this chapter and the laws of the state applicable thereto. (Code 1959, § 5.1-23)

Secs. 10-6—10-16. Re served.**ARTICLE II. REGISTRATION****Sec. 10-17. Required.**

It shall be unlawful for any person who resides in the city to operate or use a moped upon any of the streets, alleys, lanes or highways of the city or for any parent or guardian to allow any person under the age of eighteen (18) years, who resides in the city to operate or use a moped upon any of the streets, alleys, lanes or highways of the city unless such moped has been properly registered as hereinafter provided. (Code 1959, § 5.1-2; Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-18. When due.

Any person acquiring a moped shall have the same registered, or if registered, have the registration thereof transferred to him, within fifteen (15) days after the acquisition thereof. (Code 1959, § 5.1-6; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-19. Application.

The registration of mopeds shall be upon written application therefor made to the chief of police or his designee on forms prescribed by the chief of police or his designee, and shall be made by the owner thereof, or, if owner is under eighteen (18) years of age, the same may be made for him by his parents or guardian. (Code 1959, § 5.1-3; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-20. Fees.

When a moped is registered, there shall be paid the sum of five dollar (\$5.00). When the registration is changed from one person to another or from one moped to another, there shall be paid the sum of five dollars (\$5.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there shall be paid the sum of one dollar (\$1.00). Said sums shall be paid to the collections division, and shall be used for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of this chapter. (Code 1959, § 5.1-8; Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-21. Issuance of card, tag.

Upon proper application for registration of a moped, and the payment of the registration fee required by this article, the chief of police or his designee shall issue to the applicant a registration card and a number plate or tag, in such form as shall be prescribed by the chief of police or his designee. The number plate or tag shall be provided by the city at no cost to the applicant. (Code 1959, § 5.1-3; Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-22. Display of tag.

The number plate or tag issued under the provisions of this article shall be kept securely fixed in a conspicuous place on the rear of the frame of the moped for which the same was issued. (Code 1959, § 5.1-3; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-23. Change in frame number.

It shall be unlawful for any person to remove, change, alter or mutilate any bicycle or moped frame number; provided, however, that when any moped is registered hereunder and it appears that the frame number has become obliterated or is illegible, or that the same has no frame number, the chief of police or his designee may place or cause to be placed a frame number thereon for registration purposes. (Code 1959, § 5.1-9; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-24. Records.

The chief of police or his designee shall keep a complete record of all mopeds registered pursuant to this article, showing the name and address of the owner thereof, the make, class and frame number of such moped, the number of the registration plate or tag issued therefor, and such other information as the chief of police or his designee may prescribe. (Code 1959, § 5.1-4; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-25. Lost or mutilated number plates or tags.

When any number plate or tag is badly mutilated, lost, stolen or misplaced and cannot be found, upon satisfactory evidence of such fact being presented to the chief of police or his designee, he shall issue another number plate or tag, and shall change the registration of said moped accordingly. (Code 1959, § 5.1-7; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-26. Transfer generally.

It shall be unlawful for any person to attach any number plate or tag issued under the provisions of this article to any moped other than the one for which the same was issued. (Code 1959, § 5.1-3; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-27. Transfer of ownership.

When any moped registered under the provisions of this article shall be transferred to another, the same shall be reported to the chief of police or his designee, together with the name and address of the person to whom transferred and the registration thereof shall be changed accordingly. (Code 1959, § 5.1-5; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-28. Impoundment of abandoned or unregistered bicycles and mopeds.

(a) Any moped found without a number plate or tag issued pursuant to section 10-17 of this chapter and unattended shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the chief of police or any officer of the police department.

(b) Any unattended bicycle found under such times and circumstances that indicate it has been lost or stolen shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the bicycle fails to produce the owner or user, any bicycle so abandoned shall be taken into custody and impounded by the chief or police or any officer of the police department.

(c) No abandoned bicycle or moped shall be released or removed from impoundment except upon satisfactory showing of ownership and in the case of mopeds, display of a city registration certificate and proper display of a tag or number plate by the owner or an agent of the owner.

(d) If an abandoned bicycle or moped is not reclaimed, within thirty (30) days from the date of impounding, the chief of police or his agent shall provide for the public sale or donation to a charitable organization of such bicycle or moped.

(e) Any bicycle or moped found and delivered to the police department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation in the city. In addition, if there is a license tag affixed to the bicycle or moped, the record owner shall be notified directly. (Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

State law reference—Code of Virginia, § 15.2- 1720.

Sec. 10-29. Impoundment of unregistered mopeds.

(a) When any police officer or other officer charged with the duty of enforcing the ordinances of the city shall discover any unregistered moped in any public place in the possession or control of any person, the officer may take custody of such moped and impound the same. Any moped so impounded shall be released only upon a satisfactory showing of ownership, payment of five dollars (\$5.00) for storage charges, and proper registration and display of a tag or number plate by the owner or an agent of the owner.

(b) Any juvenile whose moped is impounded pursuant to this section shall be escorted forthwith to their place of residence or other appropriate place.

(c) An officer impounding a moped under this section shall inform the person from whom possession or control of the moped was removed of the provisions of this section. Upon the taking of the moped into the officers' possession, the officer shall mail or hand deliver a notice containing the provisions of this section. In the case of a juvenile, such notice shall be mailed or hand delivered to the juvenile's parent or guardian.

(d) If any moped impounded under this section is not reclaimed within thirty (30) days from the date of impounding, the chief of police or an agent of the chief of police shall cause the bicycle to be sold and the fund therefrom disposed of in accordance with section 10-28 of this chapter. (Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

State law reference—Code of Virginia, §15.2- 1720.

Secs. 10- 30—10- 38. Reserved.

ARTICLE III. OPERATION

Sec. 10-39. Compliance with traffic signals.

Every person riding a bicycle or moped over any public street shall comply with all traffic signs, signals and lights and with all directions by voice, hand or otherwise, given by any member of the division of police of the city and shall have all of the rights and duties applicable to the driver of a motor vehicle, unless the context of the city code clearly indicates otherwise. (Code 1959, § 5.1-12; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-40. Hand on handlebars.

No person shall ride a bicycle or moped on any street without having at least one of his hands upon the handlebars and no person operating a bicycle or moped on a street shall carry any package, bundle, or article which prevents the driver from keeping at least one hand on the handlebars. (Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-41. Riding on sidewalks.

No person shall ride a bicycle or moped upon any sidewalk or cross a roadway on a crosswalk, whether paved or unpaved, in any district. (Code 1959, § 5.1-14; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-42. Reckless riding.

No person shall ride a bicycle or moped recklessly or at a speed or in a manner so as to endanger the life, limb or property of the rider or of any other person. (Code 1959, § 5.1-15; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-43. Carrying other persons.

No person riding a one-seated bicycle shall carry any additional person on the same. (Code 1959, § 5.1-16)

Sec. 10-44. Holding to moving vehicle.

No person riding a bicycle or moped shall take or catch hold of or attach the same or himself to any moving automobile, bus or other vehicle of any kind upon any street, for the purpose of being drawn or propelled by the same. (Code 1959, § 5.1-17; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-45. (Repealed by Ord. No. O-00-008, 01-11-00, eff. 01-01-00)**Sec. 10-46. Hand signals.**

Before turning or altering the course of operation of any bicycle, the operator thereof shall give signals by extension of the hand to indicate the direction in which it is intended to proceed.

Operators of mopeds shall use the electronic signaling devices that the moped is equipped with before turning or altering course of operation. If operating a moped with malfunctioning signal devices, or no signaling devices, the operator shall use hand signals. (Code 1959, § 5.1-19; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-47. Method of riding.

Every person riding a bicycle or moped on any street shall keep as close as practicable to the right-hand side of the roadway, except under any of the following circumstances:

1. when overtaking and passing another vehicle proceeding in the same direction;
2. when preparing for a left turn at an intersection or into a private road or driveway; and
3. when reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.

For purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles on a street shall not ride two or more abreast except on paths or parts of streets set aside for the exclusive use of bicycles. Mopeds shall not ride on paths or parts of streets set aside for the exclusive use of bicycles. Persons riding mopeds on a street shall not ride two or more abreast. (Code 1959, § 5.1-20; Ord. No. O-95-088, 4-25-95; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-48. Brakes.

Every bicycle operated on any street shall be equipped with adequate brakes. (Code 1959, § 5.1-21)

Sec. 10-49. Lamps.

Every bicycle or mopeds when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible in clear weather from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the chief of police or his designee which shall be visible from all distances in clear weather from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible in clear weather from a distance of five hundred (500) feet to the rear may be used in lieu of or in addition to the red reflector. Such lights and reflector shall be of types approved by the chief of police or his designee. (Code 1959, § 5.1-21; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-50. Riding out of lanes, alleys and driveways.

Every person riding a bicycle or moped out of a lane, alley or private driveway across a sidewalk or sidewalk area shall first bring such bicycle or moped to a stop before crossing said sidewalk or sidewalk area. (Code 1959, § 5.1-22; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Sec. 10-50.1. Law enforcement officers.

(a) Any law-enforcement officer of the city, operating a bicycle or moped during the course of his or her duties, shall be exempt from the provisions of chapter 10, article III. operation.

(b) Any bicycle or moped being operated by a law-enforcement officer of the city, during the course of his or her duties, shall be deemed to be a law-enforcement vehicle and shall have the same rights and privileges as any other law-enforcement vehicle when the bicycle or moped is being operated in response to an emergency call, while engaged in rescue operations or in the immediate pursuit of an actual or suspected violator of the law. (Ord. No. O-95-088, 4-25-95; Ord. No. O-00-008, 01-11-00, eff. 01-01-00, eff. 01-01-00)

Sec. 10-51. Requirement of safety equipment for mopeds.

(a) Any person who operates a moped as defined in this chapter on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the superintendent of the Virginia State Police, or have the moped equipped with safety glass or a windshield at all times while operating such moped, and operators and passengers thereon, if any, shall wear a protective helmet of a type approved by the superintendent of the Virginia State Police.

(b) Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).

(c) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action. (Ord. No. O-99-225, 10-12-99, eff. 1-1-00)

State law reference—Code of Virginia, § 46.2-915.2.

Sec. 10-52. Persons riding upon mopeds.

No person other than the operator thereof shall ride upon a moped unless such moped is designed to carry more than one (1) person, in which event a passenger may ride upon a separate and permanent seat attached thereto; provided, however, that such moped is also equipped with a footrest for said passenger. A violation of this section shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00). (Ord. No. O-99-225, 10-12-99, eff. 1-1-00)

State law reference—Code of Virginia, §§ 46.2-909, 46.2-800 and 46.2-113.